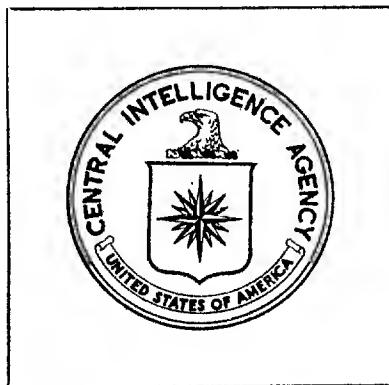


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Law of the Sea Country Study

Federal Republic of Germany

Secret
BGI LOS 74-9
May 1974

NATIONAL SECURITY INFORMATION
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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides [REDACTED] basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Basic and Geographic Intelligence. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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ANNEX

Maps: Regional map
Theoretical Division of the World Seabed

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Law Of The Sea Country Study Supplement

BGI LOS 74-9 SUPP
May 1975

Federal Republic of Germany

West Germany's four major goals in the U.N. Law of the Sea (LOS) Conference continue to be the retention of freedom of navigation over the greatest possible sea area, maintenance of traditional distant-water fishing rights, access by German firms to deep seabed mineral resources under reasonable regulations for exploitation, and unhindered scientific research. The Germans realize that the Federal Republic, as a developed and geographically disadvantaged state, will gain nothing from an economic zone and will stand to lose on the distant-water fisheries issue. (U)

West Germany joined a worldwide group of landlocked and shelf-locked states at Caracas in sponsoring draft articles that would limit the breadth of the territorial sea to 12 miles and require the conservative use of straight baselines. The Federal Republic's support for a 12-mile territorial sea remains conditional upon conference acceptance of the U.S. straits position, unimpeded transit and overflight of straits overlapped by an extension of territorial seas. (C)

Although not prepared to endorse the archipelago principle, Bonn will not publicly oppose an understanding on the issue. It probably accepts the inevitability of the economic zone but insists that high seas navigation rights be maintained within the zone and that coastal states be required to respect traditional distant-water fishing rights. Coastal state jurisdiction must end at 200 miles, Germany notes, and coastal state rights must be specified in detail in the convention. (C)

This supplement was prepared by the Office of Geographic and Cartographic Research to support the NSC Interagency Task Force on the Law of the Sea. The supplement updates, but is not a replacement for, BGI LOS 74-9. Comments and questions may be directed to Code 143, Extension 2257.

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The West Germans continue to favor a deep seabed licensing system that would preclude direct participation in exploitation by the International Seabed Authority (ISA). They believe that applicants should be granted exploitation rights upon submission of the following information to the ISA: evidence of financial and technical ability, a work program, prospecting data, and a description of opportunities for training of personnel from less developed countries. They may be prepared, however, to accept a parallel licensing/direct exploitation system for mining the deep seabeds if the ISA is required to compete on equal terms with private firms. Bonn remains opposed to price and production controls and to the performance of scientific research by the ISA. The industrialized nations, in Germany's view, must have an effective right of "co-determination" in decisions of the Authority. (C)

The Federal Republic joined 8 European members of the Group of 17 [leading maritime states] at Geneva in sponsoring draft articles on marine pollution that emphasize flag state enforcement of international pollution control standards. Port state enforcement, while authorized, would be hamstrung by conditions requiring a 6 months' delay after a violation, during which time the flag state could preempt the enforcement procedure by initiating its own investigation. Coastal states would be limited to the right to require identification from passing vessels and to notify the flag state and the next port of call of alleged violations of international standards. States seeking special pollution regimes for ecologically sensitive areas would be required to submit their proposals to a competent international organization for review. Germany argues strongly against the use of the economic zone as a pollution control zone. (U)

West Germany still supports the "Dutch proposal" on scientific research submitted during the Caracas session, which would limit coastal state veto authority in the economic zone to those situations involving deep drilling or the use of explosives. Bonn may be willing, however, to fall back to a position that distinguishes between resource and non-resource research in order to ensure the freedom of academic research in the oceans. (C)

Compulsory dispute settlement for the entire LOS Treaty is endorsed by West Germany. Common Market consultations on dispute settlement procedures have touched on the creation of a special tribunal solely for the adjudication of deep seabed controversies; territorial sea, strait, economic zone, and fishery disputes would be referred to the International Court of Justice. (U)

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FEDERAL REPUBLIC OF GERMANY

Part I - Law of the Sea Analysis

A. SUMMARY

The Federal Republic of Germany* probably will not play a strong role in the 1974 Law of the Sea (LOS) Conference. It will assume a defensive posture, hoping to protect its distant-water fishing rights and shipping interests. West Germany has stated that the conference should consider only those issues left unresolved by the Geneva Law of the Sea Conferences of 1958 and 1960; otherwise, the chances of success at Caracas will be diminished by too large an agenda.

The major issues to be discussed, in their view, are the breadth of the territorial sea and its related topics of passage through straits and fishery rights, and the seabed regime and its related problem of delimitation.

Ideally, West Germany seeks an agreement at Caracas that would establish the breadth of the territorial sea at a maximum distance of 12 miles and provide assurance of unimpeded navigation through and over international straits without conceding to the coastal states preferential coastal area fishing rights beyond those provided in the 1958 Convention. The West Germans have expressed support for an International Seabed Resource Authority; however, because they have the capabilities and needs to exploit deep seabed resources, they seek a relatively weak regime that is limited to some form of nondiscretionary licensing and a supervisory organization with responsibility for disbursing revenues to the developing countries. They dislike the authority having any rights to exploit the seabed; however, they feel that an enterprise with direct mining rights will be approved at Caracas.

Fisheries probably will be the only major LOS issue on which the Federal Republic will depart from the U.S. position. Germany, hoping

*The terms "Federal Republic of Germany," "Federal Republic," "West Germany," and "Germany" are used interchangeably in this study.

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to retain its distant-water fishing catch, will object to any move toward adoption of a regime of coastal state jurisdiction over fisheries beyond the territorial sea.

The Federal Republic has been noncommittal on the specifics of its LOS policy. It will await the convening of the conference before disclosing its precise positions and recommendations on the various issues.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

The Federal Republic of Germany is a shelf-locked state bordering on two semienclosed seas, the North and Baltic. The two coastlines are short, totaling only 308 miles. West Germany recognizes that a seaward extension of its area of coastal state economic jurisdiction is not feasible since its share of the North Sea's continental shelf is limited by treaty to 11,900 square nautical miles. It acknowledges that an international seabed regime will not be applicable to its coastal waters because neither the North nor the Baltic Sea exceeds 200 meters in depth. West Germany does not possess any oceanic islands that could serve as basepoints for extensive seabed entitlement.

Uses of the Sea

Mineral Resources -- The International Court of Justice in 1969 upheld the German contention that the use of the equidistance method of delimitation outlined in the 1958 Convention on the Continental Shelf, which has not been ratified by West Germany, was not obligatory in dividing the North Sea shelf among the bordering states. Following the Court's recommendation that the parties to the dispute resolve the issues "in accordance with equitable principles," West Germany, the Netherlands, Denmark, and the United Kingdom negotiated bilateral treaties that enlarged the Federal Republic's area of North Sea jurisdiction. Offshore drilling has produced oil and gas shows, but no commercial reserves have been discovered. The successful drilling in the adjoining Danish, Dutch, and British sectors, however, will serve to sustain German interest in continuing the drilling operations. The North Sea Shelf could be an important future source of gravel for the German construction industry, and there is evidence that titanium and zirconium deposits are present.

Since 1969 a consortium of eight German oil firms, organized to search for oil and gas abroad with financial support from the government, has acquired onshore and offshore concession interests in Canada, Indonesia, Trinidad, Guyana, Jordan, and Nigeria. The consortium has also negotiated for some type of oil participation in Iran, Venezuela,

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and Abu Dhabi. The West German Minister for Research and Technology announced in October 1973 that his government would continue to share the costs of offshore drilling for oil and gas with German industry.

Living Resources -- West Germany is one of the important fishing nations of Europe. Modern mechanized high seas fisheries that extend across the North Atlantic to Greenland, Canada, and New England are the basis for extensive fish processing and ancillary industries. Over two-thirds of the marine catch of the Federal Republic is now caught by the distant-water fleet of wet fish and freezer trawlers, based mainly at Bremerhaven and Cuxhaven. Although the fishing industry makes an important contribution to the country's food supply and maintains a significant role in the economy of its coastal communities, it neither fills the demand for fish products nor adds substantially to the GNP. West Germany imports substantial amounts of fish products from Denmark, the Netherlands, Norway, Iceland, and Japan. The value of the fish catch usually contributes about 0.1% to the GNP.

West Germany's desire to preserve its distant-water fishing rights is evidenced by the prolonged negotiations with Iceland regarding the latter's unilateral extension of its exclusive fishing zone to 50 miles. After bilateral talks failed, the Federal Republic sought relief in the International Court of Justice and obtained a favorable interim order. Iceland has refused to recognize the Court's jurisdiction, however, and the dispute still awaits bilateral resolution.

West Germany attempted to extend its distant-fishing into the well-stocked waters within Argentina's claimed 200-mile limit. It was prevented from doing so in 1973, when Argentina enacted legislation that restricted fishing in that area to Argentinian-flag ships.

The aim of the fisheries policy of the Federal Republic is to safeguard the present activities of the German fleet and, within the framework of the fishery regulatory bodies, to improve the efficiency of the fleet through modernization and better management. The U.S. Regional Fisheries Attaché in Copenhagen noted in late 1973 that the West Germans continued to be the strongest opponent in the Common Market to any compromise on existing distant-water fishing rights.

Deep Seabed Capabilities and Interests -- The Federal Republic has a strong interest in determining the economic benefits to be derived from mining the deep seabed. To this end the West German Government and various German commercial firms have jointly sponsored exploration on the seafloors since 1971. German oceanographic research vessels have investigated the manganese nodule beds near Hawaii, the marine deposits of titanium and zirconium in the Indian Ocean off the coast of Mozambique, and the hydrothermal ore-forming processes on the beds of the Red

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Sea and Gulf of Aden. A West German company was reported to have signed an agreement in May 1973 with the Sudanese Government for the right to explore and exploit the mineral-bearing sediments on the bed of the Red Sea.

The Federal Republic does not have a broad domestic base of metals and minerals to supply raw materials to its manufacturing industries. The country is dependent on foreign sources for most of its supplies of copper and such ferroalloy metals as manganese, nickel, and cobalt.

A representative of the West German Government has stated that domestic industrial pressure on the government is mounting, apparently with threats to suspend development of deep seabed mining equipment unless some manner of legislation is enacted that will assure reasonable and secure investment conditions for German private industry on the deep seabed. This could be interpreted as a form of pressure on the West German law of the sea negotiators to achieve a meaningful LOS treaty without undue delay. A Foreign Office Counselor has stated that West Germany hoped to participate in the "Group of Five" meetings once the Federal Republic became a member of the United Nations Seabed Committee. It is recognized that West Germany possesses the technological competence and capital to develop and finance a large-scale deep seabed mining effort.

Marine Transportation -- The West German merchant fleet is one of the most modern and efficient fleets among traditional maritime nations, serving major trade routes throughout the world. In January 1971 the fleet ranked eighth in deadweight tonnage and seventh in total number of ships among world merchant fleets. All ships in the fleet are privately owned and operated, with the exception of the government-owned atomic-powered ore-carrier OTTO HAHN. West Germany plans to construct other nuclear-powered vessels. A large net importer of fuels, the country meets its rising demand for petroleum products by obtaining crude oil from Libya, the Middle East, and Venezuela.

Naval Considerations -- The West German Navy is limited by the terms of the Western European Union Treaty of 1954, amended in 1963, to warships of not over 3,000 tons standard displacement except for eight destroyers and one large training ship. Other than six units of 1,000 tons displacement, submarines may not exceed 450 tons. All warships must be conventionally powered.

The primary mission of the West German Navy is to contribute to NATO control of the western Baltic Sea, specifically the Baltic approaches, and to support the northern flank of NATO in central Europe. The secondary mission is to keep open the North Sea sealanes to the principal West German ports. The navy does not have a high seas responsibility.

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Scientific Research -- West Germany is one of the leading countries in oceanographic research in Western Europe, ranking third behind the United Kingdom and France. Research programs planned for the next few years cover the exploration and exploitation of the minerals in the sea and seabed, recovery of nutritional resources from the sea, prevention of marine pollution, and design and production of oceanographic equipment.

Resort and Recreation -- The West German coasts on both the North and Baltic Seas are being intensively developed as vacation resorts, and usage is increasing yearly. Although the West Germans are not organized into citizen/activist groups as are American conservationists, it is presumed that many of them would voice their concern over the environmental degradation of these beaches.

Super Ports -- A new super oil-port facility is planned for the offshore islands of Scharhoern and Neuwerk near Hamburg. The new port will be able to receive tankers of up to 350,000 tons and is expected to be in use by 1975.

Political and Other Factors

The Federal Republic of Germany is a vital part of the western community of nations. It is the wealthiest, most populous, and potentially most powerful country in non-Communist Europe. West Germany has the largest industrial sector within the Common Market, of which it is a charter member, and ranks second only to the United States in world trade. West Germany bases its military defense on close cooperation with its North Atlantic Treaty Organization (NATO) allies and has U.S., British, Canadian, Belgian, Dutch, and French armed forces stationed on its territory.

Since 1949 the Federal Republic has been one of the countries most firmly aligned with the United States. Its status as an industrial and maritime power probably will shape its attitudes on most LOS issues into approximate conformity with most of the other highly developed nations.

The Commission of the European Communities (EC) has proposed to the EC Council of Ministers that the Common Market LOS position at Caracas include recognition of the 12-mile territorial sea, a 200-mile coastal state economic zone, and an international authority to supervise exploitation of the deep seabed. The commission paper also proposes an EC position in favor of protection of the marine environment and freedom of navigation. The commission proposes preferential rather than exclusive fishing rights for coastal states in the 200-mile economic zone and recommends strengthening of international fishery commissions. The effect of the EC position on West Germany's attitudes toward LOS issues is uncertain.

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The Caracas Law of the Sea Conference does not appear to be of paramount concern to West Germany. The issues to be discussed cannot be equated with "Ostpolitik," security against possible Soviet aggression, or the maintenance of harmony within the Common Market.

C. LAW OF THE SEA POLICY

Territorial Seas

The Federal Republic believes there is a necessity for terminating the present trend of unilateral expansion of territorial seas, feeling that such extensions beyond the traditional three-mile width are in violation of international law. It feels that there is need for an arrangement that will permit each country to fix the width of its territorial sea between 3 and 12 miles, according to individual requirements. At the same time, West Germany is interested in a system that would allow the maintenance of the status quo in the North and Baltic Seas. Contiguous zones and fishing zones should pertain only to those countries having territorial seas of less than 12 miles and should not go beyond this limit. Germany does not intend to extend its territorial sea beyond the present 3 nautical mile limit.

A West German representative recently stated that the Federal Republic could support that segment of the January 1974 United Kingdom draft treaty on territorial seas and straits that redefines the concept of innocent passage in the territorial sea.

Straits

West Germany generally supports the U.S. objective of assuring unimpeded passage through and over international straits. It does not feel, however, that this objective can be achieved in straits narrower than 6 miles, particularly as the United States, West Germany, and other nations with 3-mile territorial seas have recognized such straits as being territorial seas subject only to a right of innocent passage. It has indicated that any regime adopted at Caracas affecting passage through such straits must not be more restrictive than the general right of innocent passage through territorial seas and straits provided by Articles 14 and 16 of the 1958 Convention on the Territorial Sea and the Contiguous Zone.

West Germany's position on the straits issue could be complicated by the need to treat as special situations the Danish Straits and the Cadet Channel. The Danish opposition to free transit of their straits might lead West Germany to advocate the exemption of "old straits" from any free transit regime proposed at Caracas. The West German concern about the Cadet Channel passage to the Eastern Baltic

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involves the larger issue of the avoidance of bilateral discussions with East Germany on unimpeded/innocent passage for the Federal Republic's warships. West Germany probably will move to seek national agreement of the several Baltic states to set the territorial waters limit within the Baltic Sea at 3 or 6 miles, if a transit regime more liberal than innocent passage for straits 6 to 24 miles wide is not codified at the LOS Conference.

In the absence of compelling navigational considerations, West Germany feels that an obligation exists to make provision for the establishment of a new high seas corridor along the median line in a strait where the territorial sea between opposite states has been extended to that line. A corridor following the median line would accommodate the security requirements of the contiguous states. This would only apply in instances where a strait in its entirety has become a territorial sea as a result of the extension of the territorial sea beyond its previous limit.

Continental Shelf

West Germany views the preferential economic rights of coastal states to the resources of the continental shelf as an established part of the existing regime for the uses of the sea and feels that these rights have already been embodied in the 1958 Geneva Convention on the Continental Shelf. Germany further interprets the Shelf Convention as giving coastal states the authority to prohibit all military activities on their shelves. Ambassador Knoke, Chairman of the Federal Republic's Task Force on Law of the Sea, views the consent regime for scientific research of the 1958 convention as unsatisfactory.

Coastal State Jurisdiction Beyond the Territorial Sea

West Germany feels that the major issue is to achieve a reasonable geographic delimitation between the area of coastal state exploitation rights and the international seabed zone, bearing in mind the interests of the developing countries. This vague statement is as close as West Germany has come in stating what the width of the area of coastal state jurisdiction should be. The Federal Republic, as a shelf-locked state, probably would have a narrow-shelf policy since it desires access to the continental margins off other states. West Germany has indicated that it would not object to the revenue sharing that might be necessitated should a narrow-shelf regime be adopted at Caracas and an international seabed regime be introduced into the North Sea.

Another factor influencing Germany's attitude toward the width of the coastal state economic area will be the outcome of the negotiating

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sessions on an International Seabed Resource Authority (ISRA). The better Germany's interests in mining the deep seabed are served by the type of ISRA it prefers, the more narrow the area of coastal state jurisdiction it will favor. Conversely, West Germany will tend to opt for a broad coastal state economic zone if its deep seabed interests are not served by an ISRA.

West Germany's preference for narrow shelves might be changed if the Common Market states agree to grant preferential fishing and seabed exploitation rights in their coastal economic areas to other European Economic Community members. This might cause the Federal Republic to adopt a broad-shelf stance.

West German representatives have stated that the Federal Republic will support the U.S. position in all aspects of navigation, including freedom of movement for warships, within the coastal state economic area.

Fisheries

The Federal Republic does not want its distant-water fishing rights phased out by adoption of LOS articles that legalize exclusive coastal state fishery zones beyond the territorial sea. West Germany considers it essential that a new international law of the sea allow for the use of regional arrangements to bring traditional distant-water fishing practices into accord with the growing demands of coastal states. It also has suggested that regional conventions on fisheries might include provisions that guarantee the coastal states a definite share of the catch off their coasts as well as measures designed to conserve the fishery resources. In the event of over-fishing or a natural decline in the stock, Germany feels the coastal states could be guaranteed a larger share of the catch. Germany's view is that the fishing rights provided in the 1958 Convention should be extended beyond the 12-mile limit only in instances where a state or a large part of a state entirely or predominantly relies on coastal fishing as a source of income.

A representative of West Germany noted in November 1973 that the United States appeared to be moving in the direction of adopting a fisheries zone position. He stated that a zonal approach would deprive the Federal Republic of access to most of its fishing areas. He commented that any type of quota arrangement based on fishing efforts of recent years would discriminate against the Federal Republic, which has traditionally backed conservation measures, in favor of the Soviet Union, which has heavily increased their efforts with no regard for

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stocks. Specifically, West Germany's points of dissatisfaction with the U.S. fisheries proposal are:

- a. coastal state preferences based on capacity would be equivalent to an exclusive coastal state fishery zone when capacity reached 100%;
- b. the interests of traditional distant water fishing states were not taken into account;
- c. coastal states rather than international commissions were given management jurisdiction over coastal species beyond 112 miles (sic); and
- d. it is difficult to distinguish between coastal and migratory species.

High Seas

West Germany believes that current research and exploration activities are clearly high seas freedoms, but it doubts whether actual commercial exploitation of the seabeds is a high seas freedom. The Federal Republic makes a distinction between the installation of devices on the sea floor, environmental disturbances, and appropriation of an area from which nonrenewable resources would be taken versus mere exploratory activities. It feels that other countries may regard the former activities as a violation of the Convention on the High Seas. West Germany supports the U.S. position in all aspects of high seas navigation, including freedom of movement for warships.

Deep Seabed

Early in the LOS negotiations the Federal Republic of Germany viewed the statement that the deep seabed is the "common heritage of all mankind" as a political demand for the future, not as an established concept of international law. They felt at the time that there was much difference of opinion about how "common heritage" would be administered. However, in June 1972 a West German representative told a U.S. LOS team that the main outlines of the U.S. Seabed Treaty were acceptable to the West German government and industry, though he expressed doubt as to whether the International Seabed Resource Authority (ISRA) Council, as proposed by the United States, would be politically acceptable to other countries. Germany felt that the principal issues in establishing a deep seabed regime were the delimitations of the boundary between national and international seabed areas and the nature of the administration of the deep seabed.

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The Federal Republic, in general, advocated an ISRA that would:

- a. be effective;
- b. safeguard the freedom of the seas and the freedom of scientific and commercial exploration;
- c. assure the issuance of licenses without discrimination;
- d. afford legal protection against expropriation;
- e. provide the machinery for an impartial and compulsory resolution of disputes;
- f. make an equitable division among the developing countries of a share of the commercial revenues to be turned over to the authority;
- g. prevent impairment of the marine environment; and
- h. not engage directly in deep-sea mining.

In April 1974 West German LOS representatives indicated strong support for a nondiscretionary access system for deep seabed mining. As this might not be acceptable at Caracas, they are considering a fallback position of supporting a mixed system where an ISRA enterprise with the direct right to exploit would coexist with an international nondiscretionary licensing system. The West Germans indicated that in practice the latter system would prove to be more viable and probably would prevail.

The Federal Republic recognizes that an ISRA will need to collect license fees and royalties from concessionaires to fund revenue sharing to the lesser developed countries. Ambassador Knoke strongly supports a compulsory settlement of dispute mechanism for deep seabed activity, but also indicates that the Federal Republic has yet to take a position on the question of a separate deep seabed tribunal. He did, however, support the concept of giving private parties access to a tribunal in those situations that are detailed in the U.S. draft articles.

The West Germans feel that if a satisfactory ISRA could be achieved, their interest in a broad international seabed zone would be greater.

West Germany will undoubtedly continue to look with disfavor on any UN-sponsored interim moratorium on deep seabed activity and probably will favor provisional entry into force of articles to facilitate exploration and exploitation upon the completion of the LOS Conference.

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Marine Pollution

West Germany has only addressed vessel-source pollution, proposing that existing international conventions and agreements that treat pollution of the sea should be used as the basis for efforts to establish new regional or world-wide standards for the protection of the marine environment. Germany opposes exclusive and supplemental coastal state rights to prescribe vessel-source pollution standards beyond the territorial sea, but it would accept coastal state inspection anywhere on the high seas. The coastal state, however, should not be granted prosecution rights. West Germany has advocated both port- and flag-state responsibility for enforcing international marine pollution standards. Ambassador Knoke has stated his country's opposition to the French and Japanese proposals for establishment of special pollution zones.

The large number of German tourists who own property and vacation on the shores of the North and Baltic Seas would consider these areas to be special zones where seabed and vessel-source pollution should be kept to a minimum.

Scientific Research

A West German representative has stated that any new regime of the seas must assure the freedom of scientific research. Scientific research must be clearly defined and allowances made for coastal state participation and transfer of research findings to the countries of the third world. The Federal Republic is preparing draft treaty articles on scientific research for possible introduction at Caracas. The articles apparently are similar to the U.S. view on the water column, but the West Germans are considering a requirement for coastal state consent in the event that the proposed research "changes the structure of the shelf."

West German LOS representatives once discussed disguising exploration activities on the deep seabeds as scientific research to avoid the restrictions of the moratorium called for in the Kuwait Resolution. This probably implies a West German willingness to consider violating regulations that are viewed as inconsistent with the country's national interests.

Regional Arrangements

West Germany feels that the motivating factor behind the Latin American states' claim of a 200 mile territorial sea is the desire to protect their fishing interests. The Federal Republic hopes that these states realize that once they have developed national high seas fishing

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fleets, it will be in their best interests not to have other states extend their fishing zones by unilateral actions. West Germany suggests that an effort should be made to convince the "200-milers" that the best safeguard of their future national interests lies in the establishment of regional fishery agreements that would take into account the interests of individual states.

Settlement of Disputes

The Federal Republic of Germany prefers to use the legal mechanisms embodied in regional agreements and bilateral treaties to resolve disputes concerning fishing and mineral rights in the coastal economic areas. Failing this, it will seek redress in the International Court of Justice.

Provisional Entry into Force

The Ministry of Justice of the Federal Republic has stated that a constitutional problem would be created with the provisional entry into force of the articles of an international treaty on the law of the sea. The Justice Ministry suggested that a short provisional entry into force period of 3 months, after the signing of a treaty, might be feasible.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISORS

The German Federal Government is parliamentary in form with effective political power held by the Chancellor, his Cabinet, and the Bundestag. The Ministry for Food, Agriculture, and Forestry and the Foreign Office are the ministries most concerned with LOS matters. Mr. Karl August Fleischhauer of the Foreign Office Legal Division; Mr. Fritz Werner Pirkmayr, Assistant Secretary for Agriculture; and Dr. Cornel Metternich of the Foreign Office have been the spokesmen for Bonn in meetings with U.S. LOS representatives.

West Germany, seated in the United Nations on September 18, 1973, has not played an active role in the preparations for the LOS Conference. It held only observer status in the U.N. Seabed Committee prior to its UN seating in September. West Germany's representatives at the organizational session of the conference are as follows:

Dr. Karl Heinz BOHRINGER (Adviser at Organizational Session)
Oberregierungsrat
Federal Ministry of Defence

Dr. Karl August FLEISCHHAUER (Alternate Representative at
Organizational Session)
Counsellor
Federal Foreign Office

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*Dr. Martin FLORIN (Alternate Representative at Organizational Session)
First Secretary
Federal Foreign Office

Dr. Werner KAUFMANN-BUHLER (Alternate Representative)
First Secretary
Federal Foreign Office

*H.E. Mr. Karl Hermann KNOKE (Representative at Organizational Session)
Ambassador
Federal Foreign Office

Dr. Cornel METTERNICH (Alternate Representative)
Counsellor
Permanent Mission to the UN

Dr. Phil-Heiner RANDERMANN (Alternate Representative)
Counsellor
Federal Foreign Office

Dr. Bruno WEBER (Alternate Representative)
First Secretary
Federal Foreign Office

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Part II - Background Information

Geography

World region: Western Europe and Canada

Category: coastal, shelf-locked

Bordering states: Denmark, German Democratic Republic, Czechoslovakia, Austria, Switzerland, France, Luxembourg, Belgium, Netherlands

Bordering bodies of water: North Sea, Baltic Sea

Bordering semienclosed sea: North Sea, Baltic Sea

Area of continental shelf: 11,900 sq. n. mi., shared with United Kingdom, Denmark, Netherlands

Area to 200 n. mi. limit: 11,900 sq. n. mi.

Area to edge of continental margin: 11,900 sq. n. mi.

Coastline: 308 mi.

Land: 96,000 sq. mi. (including West Berlin)

Population: 62,118,000 (including West Berlin)

Industry and Trade

GNP: \$364.1 billion (including West Berlin); \$5,861 per capita (1973)

Major industries: among world's largest producers of iron, steel, coal, cement, chemicals, machinery, ships, vehicles

Exports: \$67.0 billion (f.o.b., 1973); machines and machine tools, chemicals, motor vehicles, iron and steel products (includes interzonal trade)

Imports: \$54.5 billion (c.i.f., 1973); agricultural products, raw materials, fuels, machinery and equipment (includes interzonal trade)

Major trade partners: EC 49% (France 13%, Netherlands 12%, Belgium-Luxembourg 9%, Italy 9%); United States 8%; Latin America 4%; Communist countries 5%

Merchant marine: 656 ships (1,000 GRT or over) totaling 6,881,600 GRT; 8 passenger, 479 cargo, 58 tanker, 58 bulk, 53 specialized carrier

Marine Fisheries

Catch: 492,560 metric tons valued at \$110,427,000; exports - \$70,752,000; imports \$174,088,000 (1971)

Economic importance: value of catch contributes less than 1% of GNP; significant local importance

Ranking: 21 worldwide, 7 regionally (1970)

Nature: coastal and distant water

Other fishing areas: Iceland, Canada, United States, Norway, Denmark, Sweden, German Democratic Republic, Netherlands, United Kingdom, Greenland

Species: cod, perch, herring, shellfish, salmon

Marine fisheries techniques: modern mechanized high seas fisheries

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Marine Fisheries (cont'd):

Other countries fishing off coast: significant offshore fishing by United Kingdom, Norway, German Democratic Republic, Netherlands, Sweden, Denmark

Petroleum Resources

Petroleum: production - 53.1 million 42-gal. bbl. (7.4 million metric tons) onshore; proved recoverable reserves - 591 million 42-gal. bbl. (82 million metric tons) onshore (1971)

Natural gas: production - 488.5 billion cubic feet (13.8 billion cubic meters) onshore; proved recoverable reserves - 14,000 billion cubic feet (390 billion cubic meters) onshore (1971)

Navy

Ships: 3 guided-missile destroyers, 8 destroyers, 17 submarines, 6 destroyer escorts, 5 large guided-missile boats, 41 patrol, 59 mine warfare (plus 14 in reserve), 2 amphibious, 22 minor amphibious, 60 auxiliaries, 81 service craft

Government Leaders

Chancellor: Willy Brandt, submitted resignation 6 May 1974

Foreign Minister: Walter Scheel, temporary Chancellor

Membership in Organizations Related to LOS Interests

C of E	Council of Europe
EEC	European Economic Community
EURATOM	European Atomic Energy Community
FAO	Food and Agricultural Organization
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICES	International Council for the Exploration of the Seas
IHB	International Hydrographic Bureau
IMCO	Inter-Governmental Maritime Consultative Organization
IOC	Inter-Governmental Oceanographic Commission
NATO	North Atlantic Treaty Organization
OECD	Organization for Economic Cooperation and Development
SCOR	Scientific Committee on Oceanic Research
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
WEU	Western European Union
WMO	World Meteorological Organization

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1956	3 n. mi.	"In accordance with international law."
Continental Shelf	1964		Declaration of Jan. 20, 1964 (<u>Bundes-Gesetzblatt</u> Jan. 20, 1964, I p. 104, p. 497) 200 meters or to where depth admits of exploitation. ¹
Exclusive Fishing		3 n. mi. ²	
Customs	1939	3 n. mi.	
Straight Baselines	1970		Charted by Hydrographic Office (Kiel), <u>Limits in the Seas No. 38.</u>

¹See North Sea Continental Shelf Cases and subsequent agreements, Limits in the Seas, No. 10 (to be revised).

²Signatory: European Fishery Convention of 1964.

Denmark-Federal Republic of Germany Agreement of June 7, 1968 provides FRG with traditional fishing rights in certain areas of Danish fishing zone for specified fish.

*Principal source: Limits in the Seas, National Claims to Maritime Jurisdiction, State Dept./INR, March 1973, and Revisions.

Action on Significant UN Resolutions

The Federal Republic of Germany was not seated in the United Nations until 18 September 1973 and, therefore, did not participate in the pre-conference meetings of the UN Seabed Committee.

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Multilateral Conventions

The date given is the date of the deposit of the instrument of acceptance

International Convention for the Prevention of Pollution of the Sea by Oil. June 11, 1956.

International Convention for the Northwest Atlantic Fisheries. June 27, 1957.

Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes. October 30, 1958. (Relates to the four 1958 Geneva Conventions)

Convention on the Inter-Governmental Maritime Consultative Organization. January 7, 1959.

North-East Atlantic Fisheries Convention. June 27, 1963.

Nuclear Test Ban Treaty. December 1, 1964.

Convention on the International Council for the Exploration of the Sea. May 13, 1965.

International Convention for the Safety of Life at Sea. (IMCO). May 25, 1965. 1966 Amendments to SOLAS Convention. June 25, 1969.

Regulations for the Prevention of Collisions of Vessels at Sea. (IMCO). May 25, 1965.

Convention on Facilitation of International Maritime Traffic. (IMCO). July 26, 1967.

International Convention on Load Lines. (IMCO). April 9, 1969.

Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil. June 9, 1969.

Convention on the International Hydrographic Organization. June 12, 1969.

European Agreement for the Prevention of Broadcasts transmitted from Stations Outside National Territories. January 30, 1970.

Seabed Arms Limitation Treaty. June 8, 1971.

Geneva Convention on the High Seas.

Convention on Fishing and Conservation of the Living Resources of the Baltic Sea and Belts. September 13, 1973.

Convention for the Protection of the Baltic Sea from Pollution. Signed March 22, 1974.

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Bilateral Conventions

Denmark-Federal Republic of Germany. Agreement Regarding Common Fishery Rights in the Flensburg Fjord. Signed May 29, 1958.

Federal Republic of Germany-Iceland. Exchange of Notes Constituting an Agreement Concerning the Fishery Zone Around Iceland. Signed July 19, 1961. In force July 19, 1961.

USA-Federal Republic of Germany. Agreement on the Use of Territorial Waters and Ports by the N.S. Savannah. Signed November 29, 1962. In force November 29, 1962.

Federal Republic of Germany-Netherlands. Treaty Concerning the Lateral Delimitation of the Continental Shelf in the Vicinity of the Coast. Signed December 1, 1964. In force September 18, 1965.

Denmark-Federal Republic of Germany. Agreement (with Protocol) Concerning the Delimitation, in the Coastal Regions, of the Continental Shelf of the North Sea. Signed June 9, 1965. In force May 27, 1966.

Denmark-Federal Republic of Germany. Exchange of Notes Constituting an Agreement Concerning German Fishing Rights in the Danish Fishery Zone. Signed November 30, 1967. In force November 30, 1967.

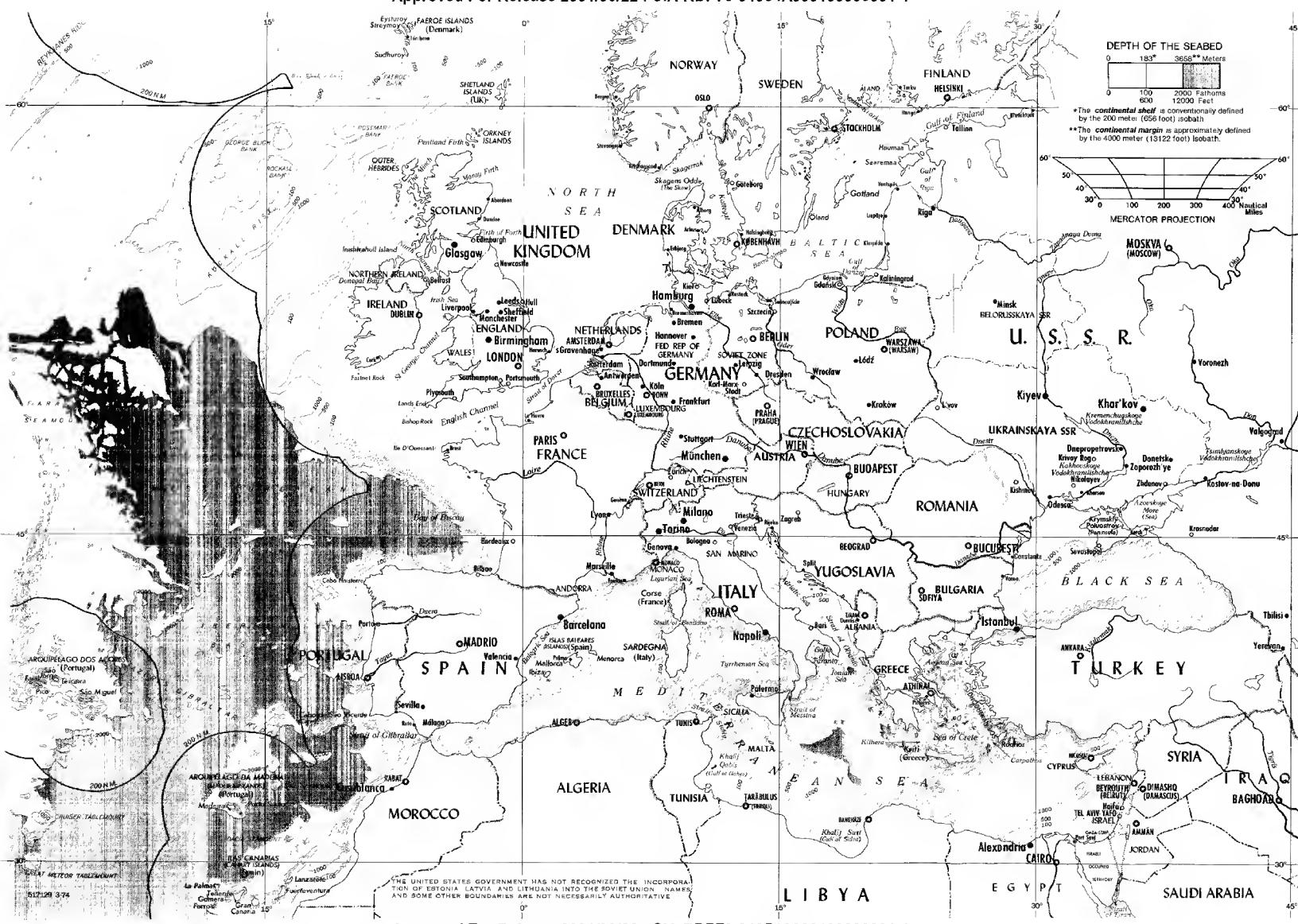
Denmark-Federal Republic of Germany. Treaty Relating to the Delimitation of the Continental Shelf Under the North Sea. Signed January 28, 1971.

Federal Republic of Germany-Netherlands. Treaty Relating to the Delimitation of the Continental Shelf Under the North Sea. Signed January 28, 1971.

Federal Republic of Germany-United Kingdom. Agreement Relating to the Delimitation of the Continental Shelf Under the North Sea. Signed November 25, 1971.

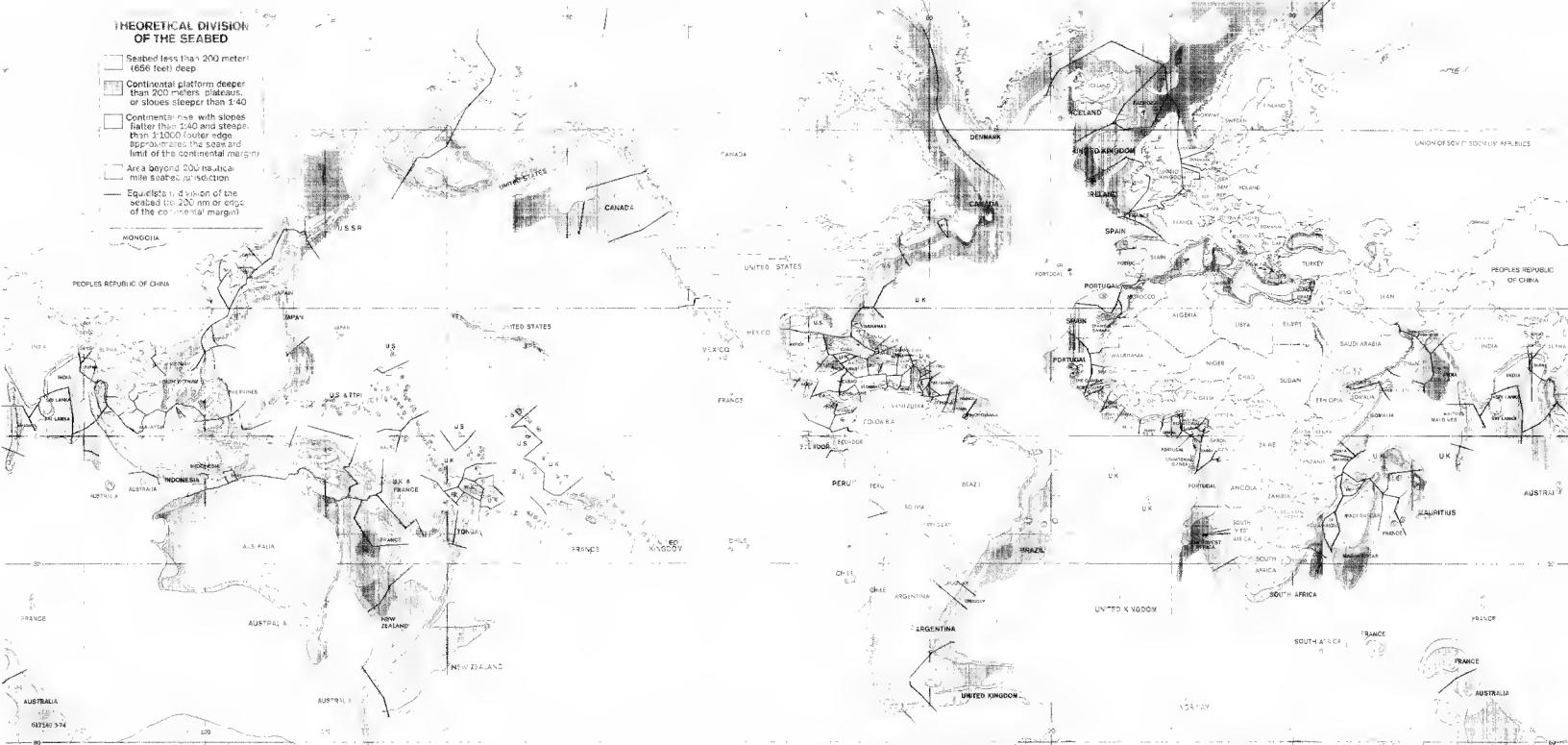
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